THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 26408 of 2007

Oral order:

By this writ petition, the petitioners seek a direction to respondent No.1, namely the Sub-Registrar, Thotambedu Mandal, not to entertain and any sale deed executed by respondent No.2 in favour of any third party in respect of an extent of Ac.0.02 cents of land (house site) comprised in Sy. No. 171 of Papanaidupet village, Thotambedu Mandal, Chittoor District, and not to register the same inasmuch as civil suits in respect thereof in O.S. Nos. 428 of 2004 and 51 of 2007 on the file of the Principal Junior Civil Judge, Srikalahasti, are pending.

The petitioners claim to have occupied an extent of Ac.0.02 cents of poramboke land in Sy. No. 171 of Papanaidupet village, about 30 years back. They having raised a thatched house, are living therein and also eking out their livelihood by running a Tiffin Centre. Subsequently, in the year 2002, they dismantled the thatched house and raised cement constructions with asbestos roof, and also obtained electricity and other connections. The petitioners state that on the representation made by them, the Mandal Revenue Officer, granted house site patta in respect of the land in their occupation vide V.H.S. No. 5/2003, dated 31.12.2003.

While so, the petitioners state that when the husband of respondent No.2 by name J. Srinivasulu and one other person by name T. Govinda Swamy Mudali, sought to interfere with their peaceful possession and enjoyment of the property, they filed a suit in O.S. No. 428 of 2004 on the file of the Principal Junior Civil Judge,

Srikalahasthi, seeking permanent injunction restraining them from interfering with their possession. The petitioners state that while the said suit is pending adjudication, the husband of respondent No.2, filed a civil suit in O.S. No. 51 of 2007 on the file of the very same Court, seeking declaration that he is the absolute owner of the suit schedule property and *inter alia* claimed delivery of possession, stating that T. Govinda Swamy Mudali, being the owner of the suit schedule property had sold the same to him on 20.12.2004.

The petitioners states that while the above two suits are pending, wherein the ownership rights are in dispute, respondent No.2 claiming herself to be the absolute owner of the suit schedule property, is seeking to alienate the same in favour of third parties by executing a sale deed, and though they brought the factum of pendency of the civil suits to respondent No.1 and requested him not to entertain and register the sale deed to be presented by respondent No.2 in respect of the property in question, no action thereon had been taken. They submit that the property in is a government land, in respect of which, they were given patta by the Mandal Revenue Officer, and if respondent No.1 entertains and registers the sale deed executed by her in favour of third parties, they would be put to have loss. Hence, they seek directions to respondent No. 1 not to entertain and register the sale deed to be presented by respondent No.2 executed in respect of the land in question in favour of third parties, and more so the property is subject matter of dispute in two civil suits on the file of the Principal Junior Civil Judge, Srikalahasthi.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents.

Though the petitioners claim that patta was granted to them by the Mandal Revenue Officer in respect of the land in question, the fact

remains, the pleadings made by the petitioners in the affidavit filed in support of the writ petition, disclose that there are civil disputes between the petitioners and respondent No.2 and her husband, and already each of them have filed suits – the petitioners filed suit for permanent injunction while the husband of respondent No.2 filed suit for declaration of title and delivery of possession, which are subject matter of suits in O.S. Nos. 428 of 2004 and 51 of 2007 on the file of the Principal Junior Civil Judge, Srilakahasthi. However, on the ground that in respect of the property in question, civil suits are pending before the civil Court, is no ground for the petitioners to seek a direction to respondent No.1 not to entertain and register the sale deed to be presented by respondent No.2 executed by her in favour of any third parties, in respect of the property in question. Respondent No.1, is merely a registering authority, and he having not been vested with the power of deciding title disputes, can do nothing, but register the sale deeds that are presented before him. Since the property in question is said to be subject matter of civil disputes before the civil Courts, any alienation by respondent No.2 and purchase thereof by third parties, would be at their risk and peril, and in that regard, the petitioners may move the civil Court, for indemnification or for any other relief.

Hence, the writ petition is not maintainable, and the same is accordingly dismissed, granting liberty to the petitioners to avail the remedies available to them under law. No costs.

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N.V. RAMANA, J.

Date: 12th December, 2007.
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